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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/991,223

11/21/2001

William K. Slate II

AAA-002

3940

1473 7590 01/25/2008  
ROPES & GRAY LLP  
PATENT DOCKETING 39/361  
1211 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8704

EXAMINER

MOONEYHAM, JANICE A

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/991,223

Applicant(s)

SLATE ET AL.

Examiner

JANICE A. MOONEYHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 51-56, 101-106 and 151-177 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6, 51-56, 101-106, and 151-177 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This is in response to the applicant's communication filed on October 30, 2007, wherein:

Claims 1-6, 51-56, 101-106, and 151-177 are currently pending;

Claims 7-50, 57-100, and 107-150 have been cancelled;

Claims 1, 4-5, 51, 54-55, 101, and 104-105 have been amended;

Claims 151-177 have been added.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6, 51-56, 101-106, and 151-177 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

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reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has amended independent claims 1, 51 and 101 to include the limitation of:

determining ***estimated dispute resolution information*** at the second computer for each of the determined dispute resolution paths based on the profile.

Applicant's specification discloses:

[0166] The dispute management application may provide a user with one or more interfaces having suitable displays that may be used by the user for dispute management. The dispute management application may provide various displays that allow users to, for example, log in, create profiles, select one or more dispute resolution pathways, select an arbitrator, obtain additional information, or use any other feature related to dispute management. In some embodiments, a user, such as a company or a representative, may be provided with multiple web pages to facilitate the dispute management process. Any suitable interface element or combination of elements may be used to provide dispute management features, such as, for example, web pages, web site maps, navigational bars, graphical prompts, menu structures, screen elements, forms, and other suitable interface or portion of an interface.

The Examiner is unable to find the term "estimated dispute resolution information" defined anywhere in the applicant's specification.

The applicant has included the limitation of "in response to receiving the profile information at a second computer, determining a sub-plurality of dispute resolution ***paths*** resolving the dispute from a plurality of dispute resolution paths based on the profile, ***wherein each of the dispute resolution paths comprises a plurality of steps for implementing at least one dispute resolution mechanism***".

[0156] The dispute management application may guide disputing parties in understanding resolution options and aid them in selecting the most appropriate

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mechanism for solving their dispute. The dispute management application may determine the appropriate resolution mechanism by considering such variables as the information in the profile, the size of the dispute, the relationship between the disputing parties, and any other suitable variables (step 276). In some embodiments, the dispute management application may provide the disputing parties ***with an appropriate dispute resolution mechanism or a plurality of appropriate dispute resolution mechanisms at step 277***. For example, the dispute management application may provide the disputing parties with a specific dispute resolution ***path*** based at least in part of their respective profiles. Such a ***path*** may be graphically displayed to assist the disputing parties in understanding the steps in the dispute resolution process. In some embodiments, major events and milestones may be shown with the dispute resolution ***path***.

[0166] The dispute management application may provide a user with one or more interfaces having suitable displays that may be used by the user for dispute management. The dispute management application may provide various displays that allow users to, for example, log in, create profiles, select one or more dispute resolution ***pathways***, select an arbitrator, obtain additional information, or use any other feature related to dispute management. In some embodiments, a user, such as a company or a representative, may be provided with multiple web pages to facilitate the dispute management process. Any suitable interface element or combination of elements may be used to provide dispute management features, such as, for example, web pages, web site maps, navigational bars, graphical prompts, menu structures, screen elements, forms, and other suitable interface or portion of an interface.

[0359] In response to receiving an indication that the user is logging in by, for example, selecting a "Log On" button 5054, the dispute management application may provide the user with a filtering tool. As shown in FIGS. 193-195, the filtering tool may employ a two-step process for screening potential claimants. In one suitable approach, the user may be prompted with a series of questions intended to filter out users. For example, the series of questions may filter users that may have accidentally happened upon the site or users that may require other services. ***Following the series of questions, the filtering tool may assist the user in selecting a resolution path.***

[0361] As shown in FIGS. 196-203, based at least in part on the responses to the filtering tool (FIGS. 193-195), ***the dispute management application may provide the user with multiple dispute resolution options***. For example, a user may be provided with an interface showing multiple resolution options (sometimes referred to herein as a "resolution pathway"). The dispute management application may provide the user with the capability of selecting and viewing a resolution pathway.

The Examiner asserts that the highlighted portion of the claim limitation is new matter.

The applicant has amended dependent claims 4-5, 54-55, and 104-105 to include the limitations of "**wherein determining the estimated dispute resolution information comprises calculating a cost for resolving the dispute using each of the determined dispute resolution paths**" and wherein determining the estimated dispute resolution information comprises **determining an estimated time for resolving the dispute using each of the determined dispute paths**". Applicant has added claims 151, 155, 160, 164, 169, and 173 wherein these claims include limitations for "determining the estimated dispute resolution information comprises providing success rate information for similar disputes **using each of the determined dispute resolution paths**" and "wherein calculating a cost for resolving the dispute comprises calculating an average cost of a plurality of disputes resolved **using each of the determined dispute resolution paths**".

[0157] The dispute management application may also provide the disputing parties with information, such as, for example, **the cost of the resolution (e.g., a cost estimate), an estimated time to resolve similar disputes, the success rate for similar disputes**, or any other suitable information (step 278).

[0158] In an effort to preserve relationships and promote the continuity of business, users may be provided with suggestions for minimizing damages and preserving relationships during a dispute or before a dispute arises. For example, a buyer purchased a product from a manufacturer. However, the manufacturer failed to deliver the product to the buyer at the agreed-upon date of delivery. The dispute management application may notify the manufacturer is late in delivering the product and may provide the manufacturer with information related to dispute management. Such information may include a statistic which advises the manufacturer that "9 out of 10 times a dispute

arises from late shipments."

[0213] Some embodiments of the present invention may guide disputing parties in understanding resolution options and aid them in selecting the most appropriate mechanism for solving their dispute. Users may also be provided with information ***such as the cost of the resolution (e.g., estimate, average, or other cost), the typical time to resolve similar disputes, the success rate for similar disputes***, or any other suitable information.

The Examiner notes that applicant's disclosure simply states that the application may provide the parties with information, such as estimated cost and time to resolve similar disputes. However, there is no disclosure as to providing this information for each of the paths, as now claimed by applicant.

Claims 152, 156-158, 161, 165-167, 170, and 174-176 are directed to limitations of "wherein a first determined dispute resolution path implements at least two dispute mechanisms" wherein the first determine "dispute resolution path will move from a first dispute mechanism to a second dispute mechanism only when the first dispute mechanism does not result in resolution" and wherein the first determined dispute resolution path will mover from a first dispute mechanism to a second dispute mechanism without any user intervention when the first dispute mechanism does not result in a resolution".

The Examiner is unable to find support for these limitations in the applicant's specification.

Claims 159, 168, and 177 include a limitation of "wherein a first determined dispute resolution path implements documents only arbitration and a second

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determined dispute resolution path implements on call mediation followed by arbitration". Applicant's specification discloses:

[0011] In some embodiments, the dispute management application may provide documents-only arbitration services. Documents-only arbitration is typically defined as a form of arbitration in which disputing parties present their evidence and arguments solely by documents. A neutral arbitrator reviews the documents and renders a decision. For example, when parties have a dispute, they may access an on-line list of potential arbitrators and either agree to use or participate in a selection process to determine the arbitrator. If desired, an arbitrator may be appointed. Some embodiments may provide the disputing parties with a schedule for the submission of arguments, evidence, replies, and any other suitable information in document format. The arbitrator may view the documents and provide a decision on the dispute.

[0012] In some embodiments, the dispute management application may provide mediation-related features. Mediation services may be used to allow parties to work together with the aid of a neutral facilitator (e.g., a mediator). One particular type of mediation service is on-call mediation. On-call mediation is typically defined as a type of mediation that allows disputing parties to access mediators' availability through an online calendar. These mediators are typically available on short notice to address pressing disputes. For example, when parties have a dispute, they may access an on-line calendar of mediators' availabilities. The disputing parties (i.e., a claimant and a respondent) may agree to a mediator through a scheduling interface. Upon selecting a mediator and a time slot, the parties may be provided with contact information and a schedule for submitting any documentation. Mediators may be notified of their selection and the time slot may be removed from the online calendar. If the mediator accepts the case, the disputing parties may be notified. In some embodiments, dates and other information may be automatically published for information that is due before the meeting with the mediator.

[0099] In some embodiments, the dispute management application may provide the user with a cases feature. The cases feature may provide the user with multiple options relating to cases (e.g., case-specific activities), such as, for example, filing a claim, viewing the status of active cases, and access an active case. In some embodiments, the cases feature may allow a user to participate in a documents-only arbitration, an in-person arbitration, an on-call mediation, an in-person mediation, or any other suitable ADR process. The cases feature may also provide the user with information related to cases and case-specific activities. For example, a user may view documents relating to resolution processes. Such information may assist the user in understanding the various types of resolution process and may assist the user in determining



the optimal process for the user's claim.

[0104] In some embodiments, the dispute management application may provide documents-only arbitration services. For example, when parties have a dispute, they may access an on-line list of potential arbitrators and either agree to use or participate in a selection process to determine the arbitrator. If desired, an arbitrator may be appointed. Some embodiments may provide the disputing parties with a schedule for the submission of arguments, evidence, replies, and any other suitable information in document format. The arbitrator may view the documents and provide a decision on the dispute.

[0105] In some embodiments, the dispute management application may provide mediation services. Mediation services may be used to allow parties to work together with the aid of a neutral facilitator (e.g., a mediator). One particular type of mediation service is referred to herein as on-call mediation. For example, when parties have a dispute, they may access an on-line calendar of mediators' availabilities. The disputing parties (i.e., the claimant and the respondent) may agree to a mediator through a scheduling interface. Upon selecting a mediator and a time slot, the parties may be provided with contact information and a schedule for submitting any documentation. Mediators may be notified of their selection and the time slot may be removed from the online calendar. If the mediator accepts the case, the disputing parties may be notified. In some embodiments, dates and other information may be automatically published for information that is due before the meeting with the mediator.

The Examiner is unable to find any disclosure in the applicant's specification wherein a first path implements documents only arbitration and a second determined path implements on call mediation followed by arbitration as claimed by applicant.

Claims 153-154, 162-163 and 171-172 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

These claims are directed to the limitations of "wherein the dispute resolution paths are determined based on the size of the dispute" and "wherein the dispute resolution paths are determined based on a relationship between the user and another party.

Applicant's specification discloses:

[0156] The dispute management application may guide disputing parties in understanding resolution options and aid them in selecting the most appropriate mechanism for solving their dispute. The dispute management application may determine the appropriate resolution mechanism **by considering such variables as the information in the profile, the size of the dispute, the relationship between the disputing parties, and any other suitable variables (step 276)**. In some embodiments, the dispute management application may provide the disputing parties with an appropriate dispute resolution mechanism or a plurality of appropriate dispute resolution mechanisms at step 277. For example, the dispute management application may provide the disputing parties with a specific dispute resolution path based at least in part of their respective profiles. Such a path may be graphically displayed to assist the disputing parties in understanding the steps in the dispute resolution process. In some embodiments, major events and milestones may be shown with the dispute resolution path.

The Examiner asserts that the applicant has not provided sufficient guidance and direction to enable one skilled in the art to know how to determine a path based on the size of the dispute or the relationship of the parties. In fact, it is not even clearly defined what applicant means by "size of the dispute". Is this the number of parties or the amount of money involved in the dispute? How does the system determine the path of the dispute based on a relationship between the user and another party? As claimed, it is not clear if "another party" is the counter party to the dispute or not. Furthermore, the Examiner asserts that applicant has not provided sufficient guidance and direction to

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enable one skilled in the art to make and use applicant's invention without undue experimentation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 51-52, 101-102, 151-152, 156, 160-161, 165, 169-170, and 174 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloo (US 5,895,450) (hereinafter referred to as Sloo).

Referring to Claim 1:

Sloo discloses a method for guiding a user through dispute resolution using a dispute management application comprising:

receiving an indication from the user to create a profile from a first computer, wherein the profile comprises dispute resolution-related information associated with the user (Figure 2 (200); Figure 3 (300, 302, 304, 306); col. 4, lines 9-17, col. 4, lines 45-60; col. 4, line 45 thru col. 5, line 1);

in response to receiving the profile information, determining a plurality of dispute resolution paths for resolving a dispute based on the profile, wherein each dispute resolution path comprises steps for implementing a dispute resolution mechanism; (Figure 7 (700) settle dispute; col. 9, line 32 thru col. 11, line 5);

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determining estimated dispute resolution information for the determined dispute for each of the determined paths based on the profile;

displaying at the first computer with the steps and information of the determined dispute resolution path for resolving the dispute (col. 2, lines 43-61; col. 3, lines 8-17; col. 7, lines 29-40);

prompting the user at the first computer to select the determined dispute resolution path (col. 4, lines 63-65; col. 5, lines 49-56);

in response to receiving the selection, initiating the selected path (col. 7, lines 29-49).

Referring to Claims 51 and 101:

Sloo discloses a system for guiding a user through dispute resolution using a dispute management application comprising:

a user input device, a display device (means for displaying) (Figure 1 (14));

means for receiving an indication from the user to create a profile from a first computer, wherein the profile comprises dispute resolution-related information associated with the user (Figure 1 (14));

means for determining a mechanism/ dispute resolution path for resolving a dispute based at least in part on the profile in response to the indication at a second computer (artificial intelligence; col. 12, lines 48-61; col. 13, line 59 thru col. 14, line 16, col. 14, lines 61-67; col. 15, lines 21-30); and

means for providing the user at the first computer with the mechanism for resolving the dispute (Figures 1-9);

means for prompting the user to select the determined dispute resolution path (col. 4, lines 63-65; col. 5, lines 49-56).

Referring to Claims 2, 52, and 102:

Sloo discloses wherein the mechanism is selected from the group consisting of documents-only arbitration and on-call mediation (col. 7, lines 29-40, col. 8, lines 34-49).

Regarding Claims 151, 160, and 169:

Sloo discloses the providing success rate information (col. 8, line 60 thru col. 9, line 10)

Regarding Claims 152, 156, 161, 165, 170, and 174:

Sloo discloses wherein a first determined dispute resolution path implements at least two dispute resolution mechanisms (Figure 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5-6, 53, 55-56, 103 and 105-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo as applied to claims 1, 51, and 101 above, and further in view of Vaidyanathan et al (US 2004/0059596) (hereinafter referred to as Vaidyanathan).

Referring to Claims 3, 53 and 103:

Sloo discloses the method and systems of claims 1, 51, and 101. Sloo discloses intervention by a third party to resolve the dispute, the third party selected from a pre-qualified list (col. 8, lines 5-18).

Sloo does not explicitly disclose what the qualifications are for one to be on the pre-qualified list or that the person is certified.

However, Vaidyanathan discloses determining whether the user has met a predetermined standard for conducting business [0043-0044]; and

providing the user with a certification in response to meeting the predetermined standard [0043-0044] the Examiner is interpreting the fact that the specialist can be a person who has successfully completed a comprehensive mediation training with defined criteria for successful completion to meet the language of providing a certification).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the complaint handling method and system of Sloo having a list of pre-qualified third party members who can intervene with the training and criteria taught in Vaidyanathan so that the pre-qualified third party members will be fully equipped with substantial experience mediating or arbitrating a range of disputes, thus enabling a higher rate of successful resolutions of disputes.

Referring to Claims 5, 55 and 105:

Sloo discloses monitoring how long it takes for parties to respond (col. 5, lines 30-37).

Sloo does not disclose determining an estimated time for resolving the dispute and providing the user with the estimate time.

However, Vaidyanathan teaches predetermined time periods [0065-000069].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the complaint handling method and system of Sloo the time periods taught in Vaidyanathan so that the case can be quickly moved along rather than letting it languish and drag out without any resolution. It would be necessary to know the approximant times needed for resolving a dispute so that notifications can be sent to nudge the parties on and so that the system can know when an appropriate amount of time to resolve the dispute has passed without resolution, thus moving the case to the next step, either by dismissing the case or moving it to another avenue for resolution.

Referring to Claims 6, 56 and 106:

Sloo discloses monitoring the conduct of all of the parties and storing this information in performance records. Sloo discloses when the program uses artificial intelligent techniques to make decisions regarding a dispute, it considers the performance records of all participants to the dispute when rendering a judgments (col. 9, lines 40-48).

Therefore, it would have been obvious for Sloo to compare the dispute to a plurality of past dispute records when determining an estimate of time since Sloo already monitors conduct and stores performance records. Sloo further uses this information to analyze various scenarios using the gathered information and

determining the best solution or outcome. Therefore, time estimates would also be easy to add to the information monitored and stored by Sloo since a party who does not promptly respond or who delays resolution by taking their time to respond would alter the outcome or the direction the method and system would take in resolving the dispute, and further, would provide information to update that performers performance record to be used in any future disputes.

6. Claims 4, 54, 104, 155, 164, and 173 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo as applied to claim 1, 51, and 101 above, and further in view of Kilibaner (US 2002/0161597).

Referring to Claims 4, 54 and 104:

Sloo does not explicitly disclose calculating a cost for resolving a dispute or that calculating cost comprises calculating an average cost.

However, Kilibaner discloses calculating a cost for resolving the dispute and providing the user with the cost (Figure 2 (206)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the complaint handling method and system of Sloo the cost calculation taught in Kilibaner since this provides an efficient way for the parties to choose the rules, regulations and procedures which will apply in the dispute resolution process. The Examiner asserts that using an average cost of similar disputes is routinely done in any business practice. For example, attorneys on a daily basis provided clients with information as to an estimate for taking case to trial verses trying to



settle the case out of court. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an average cost when calculating a cost since this is generally how businesses operate.

7. Claims 153-154 157-159, 162-163, 166-168, 171-172, 175-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo .

Sloo does not disclose that the dispute resolution path is based on the size of the dispute or the relationship between the user and another party.

The Examiner interprets the size of the dispute to be the number of parties and the relationship between the user and another party to be the relationship between the disputing parties.

The Examiner asserts that one of ordinary skill in the art would take into account the size of the dispute and the relationship of the parties in determining a path for dispute resolution. For example, if there are a large number of people on one side or the other, then arbitration may be the better path due to the fact that mediating or negotiating with large numbers becomes cumbersome and less likely to provide the wanted results. If the two parties disputing are really angry with each other such that it becomes impossible to negotiate or mediate, then arbitration would be the preferred path. However, if the two parties are amicable and may have to maintain contact with each other, for example, a couple in a divorce with children, then the preferred path may be negotiation or mediation rather than arbitration.

Therefore, the Examiner asserts that one of ordinary skill in the art at the time of the invention would take into account the size of the dispute and the relationship of the parties since this information is used daily by those in the legal community to make recommendations to their clients. Common sense dictates that one use this information to make a determination of which dispute resolution path to recommend.

Referring to Claims 157-159, 166-168, and 175-177:

While Sloo discloses multiple paths to settle a dispute (Figure 7), Sloo does not disclose that the first path will move from a first dispute mechanism to a second mechanism only when the first mechanism does not result in resolution, or that the path will be moved without user intervention or that the paths are identified as documents only arbitration or on-call mediation, followed by arbitration.

However, the Examiner takes Official Notice that it is old and well known to move from one dispute resolution path to another if there is no resolution of the dispute. Case in point, a domestic case where the parties are fighting over custody and support. Generally, due to the over crowded courts and because it is in the best interest of the parties to try to resolve the matter on their own, prior to litigation, judges often order the parties to mediation. Then, if mediation fails to work, the parties go into litigation.

Therefore, it would have been obvious to one of ordinary skill in the art to move from one path to another if a dispute is not resolved since this is common business practice.

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As for the different paths, i.e., documents only arbitration, on call mediation, the Examiner asserts again that creating these paths as options would have been obvious to one of ordinary skill in the art.

***Response to Arguments***

Applicant's arguments filed 10/30/07 have been fully considered but they are not persuasive.

Applicant states that Sloo does not disclose "determining a sub-plurality of dispute resolution paths for resolving the dispute from a plurality of dispute paths base on the profile". The Examiner asserts that this claim limitation can be broadly read to be determining a dispute path from several paths based on the profile (information about the parties) and that Sloo discloses this limitation.

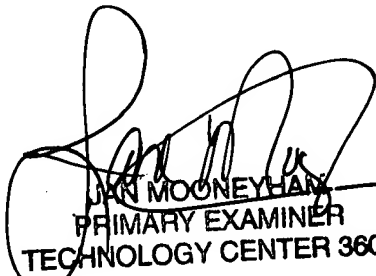
Applicant states that Sloo does not show "determining estimated dispute resolution information at the second computer for each of the determined dispute resolution paths based on the profile". The Examiner asserts that this can be broadly read to be determining cost, time or success of the dispute resolution based on the profile and Sloo discloses a probability of success.

Applicant states that Sloo does not show "displaying at the first computer the plurality of steps for the determined dispute resolution paths for resolving the dispute". While applicant asserts that Sloo only occurs after the user has selected a dispute option, this meets the applicant's claim limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANICE A. MOONEYHAM whose telephone number is (571)272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JAN MOONEYHAM  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600